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In the Supreme Court of the United States

OCTOBER TERM, 1976

No. 75-1775

COMMONWEALTH OF MASSACHUSETTS,
PETITIONER,

v.

JACK B. WESTCOTT,
RESPONDENT.

ON A WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT OF MASSACHUSETTS

BRIEF FOR THE PETITIONER

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BRIEF FOR THE PETITIONER

Opinions Below

The opinion of the majority of the Justices of the Supreme Judicial Court is reported at MASS. ADV. SH. (1976) 696-703 and 344 N.E. 2d 411-414. It is reproduced in the Appendix at pp. 11-16. The opinion of the dissenting justice of the Supreme Judicial Court is reported at MASS. ADV. SH. (1976) 704-716 and 344 N.E. 2d 414-419. It is reproduced in the Appendix at pp. 16-26.

Jurisdiction

On March 12, 1976, the Supreme Judicial Court entered a judgment declaring the Act of February 20, 1923, Ch. 35, [1923] Mass. Acts and Resolves 17, *as amended by* the Act of March 13, 1962, Ch. 219, [1962] Mass. Acts and Resolves 107, to be unconstitutional. Said judgment is reproduced in the Appendix at p. 26. A petition for a writ of certiorari was filed on June 7, 1976. Certiorari was granted on October 4, 1976.

Jurisdiction is conferred on this Court by the provisions of 28 U.S.C. §1257(3) (1976).

Statute Involved

The Act of February 20, 1923, Ch. 35, [1923] Mass. Acts and Resolves 17, *as amended by* the Act of March 13, 1962, Ch. 219, [1962] Mass. Acts and Resolves 107:

> It shall be unlawful during the months of July, August and September for any person who has not been a legal resident of this commonwealth during the preceding year to use beam or otter trawls to drag for fish in that part of the waters of Vineyard Sound lying in the towns of Chilmark, Gay Head and Gosnold, and included between an imaginary line running from the extreme western point of Gay Head to the extreme western point of Nashawena Island and another imaginary line running from Cape Higgon to Tarpaulin Cove Light. Violation of this act shall be punished by a fine of not less than five hundred nor more than one thousand dollars.

Question Presented

Whether the Act of February 20, 1923, Ch. 35, [1923] Mass. Acts and Resolves 17, *as amended by* the Act of March 13, 1962, Ch. 219, [1962] Mass. Acts and Resolves 107, insofar as it differentiates between residents and non-residents of Massachusetts relative to the right to drag for fish in Massachusetts waters, violates the Privileges and Immunities Clause contained in Article IV, §2, of the United States Constitution.

Statement of the Case

The Act of February 20, 1923, Ch. 35, [1923] Mass. Acts and Resolves 17, *as amended by* the Act of March 13, 1962, Ch. 219, [1962] Mass. Acts and Resolves 107, makes it unlawful, during the months of July, August and September, for any person who has not been a legal resident of Massachusetts during the preceding year to use beam or otter trawls to drag for fish in certain of the state's waters. On September 5, 1973, Jack B. Westcott was arrested by an officer of the Massachusetts Department of Natural Resources and charged, in a criminal complaint, with violating the Act of 1923. (A. 2-3). On April 24, 1974, he was tried and found guilty of this violation by the District Court of Massachusetts. (A. 4).

Upon his conviction in the District Court, Westcott pursued his right to de novo review in the Superior Court, where he filed a motion to dismiss the action. (A. 7-8). The grounds of the motion were that the Act of 1923, insofar as it differentiates between residents and non-residents of Massachusetts, violates: (1) the Privileges and Immunities Clause contained in Article IV, §2, of the United States Constitution and (2) the Equal Protection Clause of the Fourteenth Amendment to United States Constitution. In

addition to Westcott's motion, the parties submitted to the court an agreed statement of facts. (A. 4-7). The statement indicated that, at the time of his arrest, Westcott was a resident of Rhode Island and had not been a resident of Massachusetts during the preceding year or during the year preceding July 1, 1973. (A. 5). It further indicated that he was arrested while dragging by means of otter trawl for scup and fluke, which are migratory fish, in the waters described by the Act of 1923. (A. 4-5).[1]

The Superior Court reserved decision on the case and, on May 23, 1974, reported to the Appeals Court the questions of law raised by Westcott's motion to dismiss. (A. 9-10). However, on May 15, 1975, before briefing and argument had taken place in the Appeals Court, the Supreme Judicial Court granted direct appellate review. (Docket entry, A. 2). Thereafter, on March 12, 1976, the Supreme Judicial Court, declaring that the Act of 1923 violates the Privileges and Immunities Clause, and without ruling on Westcott's equal protection claim, entered a judgment remanding the case to the Superior Court with the direction that the motion to dismiss be allowed.[2]

Summary of Argument

The Massachusetts statute does not violate the Privileges and Immunities Clause of Article IV because it represents an effort by Massachusetts to reserve a principal resource of the state, the Vineyard Sound fishery, for the use and enjoyment of its citizens. The use of fisheries and game by

[1] It is not disputed that the waters described by the Act lie within the territory of Massachusetts. These waters are shown in United States Coast and Geodetic Survey, Chart No. 1210 Tr published by the United States Department of Commerce and submitted under separate cover as an appendix to this brief.

[2] Mr. Justice Reardon, dissenting, expressed the view that the Act of 1923 is constitutional.

the state's citizens derives from their special ownership interest in these resources. Therefore, no fundamental right protected by the Privileges and Immunities Clause is affected by the statute, and it should be upheld.

In its first argument, Massachusetts demonstrates that this Court has for over one hundred and fifty years recognized that the citizens of a state possess a special ownership interest in fisheries and game located within the state. The principal case embodying that doctrine is *McCready* v. *Virginia*, 94 U.S. 391 (1876). In that case the Court upheld a Virginia statute restricting to its own citizens the use of one of the state's fisheries. In so doing, the Court held that the citizens of a state derive their right to the enjoyment of the state's fisheries from the special ownership interest which they possess in such fisheries. Accordingly, the right is a property right and not a privilege or immunity of citizenship guaranteed by the Constitution to the citizens of other states.

Although the doctrine embodied in *McCready* was repeatedly reaffirmed by this Court and followed by the state courts, a majority of the Supreme Court elected to depart from that doctrine in *Toomer* v. *Witsell*, 334 U.S. 385 (1948). Massachusetts addresses the *Toomer* case in its second argument. In limiting *McCready* for the first time to its precise facts, *Toomer* announced a new limitation on a state's ownership interests, holding that while, as in *McCready*, a state might own stationary fish located in its tidewaters, it possessed no ownership interests in free-swimming fish located in the marginal sea.

However valid when announced, the two distinctions drawn in *Toomer* between (a) the marginal sea and the tidewaters of a state, and (b) free-swimming and stationary fish, have subsequently been undermined. The distinction between tidewaters and the marginal sea was based upon a decision of the Court, *United States* v. *California*, 332

U.S. 19 (1947), announced the year before *Toomer*. The *California* case held that, as between the coastal states and the federal government, it was the federal government that exercised dominion over the marginal sea. This basis for denying a state the control of its seas was removed by passage of the Submerged Lands Act of 1953, 43 U.S.C. §1301 *et seq.* (1966), which conveyed to the states whatever elements of an ownership interest in the marginal sea they did not already possess. Therefore, the states now possess the same rights of ownership in the marginal sea which they possess in their tidewaters.

The remaining distinction drawn in *Toomer*, between free-swimming and stationary fish, cannot by itself justify invalidation of the Act of 1923. This distinction, when first articulated, contradicted over one hundred years of decisional law and was itself undermined by the passage of the Submerged Lands Act. Moreover, any distinction based upon the elusive factual question of relative mobility should be left for Congressional inquiry and line-drawing rather than judicial analysis.

Accordingly, *Toomer* has lost its force as useful precedent. *McCready* alone controls this case, and it compels the conclusion that the statute here in question is constitutional.

Argument

I. The Act of 1923 is Constitutional Because the Citizens of Massachusetts Possess a Special Ownership Interest in the State's Fisheries and Game.

The Act of 1923 reflects an effort by Massachusetts to reserve for the enjoyment of its own citizens certain of the state's fisheries. The state regards its fisheries as among its prime natural resources, worthy of protection and preservation for the benefit of its citizens. Massachusetts has

an interest in its fisheries as great as that which other states have in oil, vast forests or mineral deposits located within their territory. Such resources serve to make up the special qualities of a state, much like its climate and the collective character of its citizenry. The fisheries of Massachusetts are part of what attracts people to come to live within its borders or, if born there, to remain, preferring its natural gifts to those of other states. Unlike climate and human character, however, its fisheries are capable of depletion and, ultimately, exhaustion. By enacting a statute that limits the fishery of Vineyard Sound to its citizens, Massachusetts assures that this finite resource remains the benefit of those who have a special stake in its existence and a special claim to its use.

This Court has long maintained the doctrine that a state may, consistent with the requirements of the Constitution, restrict the use of its fisheries and game to its citizens. The doctrine was first articulated in 1825, in a case similar to this one. *Corfield* v. *Coryell*, 6 F.Cas. 546, 551-552 (C.C.E.D. Pa. 1825). It was reaffirmed throughout the 1800's and has been acknowledged by this Court as recently as the 1970's. *See, e.g., McCready* v. *Virginia*, 94 U.S. 391, 394-397 (1876); *Geer* v. *Connecticut*, 161 U.S. 519, 522-530 (1896); *Graham* v. *Richardson*, 403 U.S. 365, 372-374 (1971); *Sugarman* v. *Dougall*, 413 U.S. 635, 644, fn.11 (1973). The single case that casts a shadow on this doctrine is *Toomer* v. *Witsell*, 334 U.S. 385, 395-403 (1948). Massachusetts will show that *Toomer* falls outside of the mainstream of Supreme Court adjudication and stands alone, countered, in the words of Justice Frankfurter, by "the momentum of legal history." *Toomer* v. *Witsell, supra* at 408 (Frankfurter, J., dissenting). Ultimately, the prerogative of the state in this area must prevail.

In *Corfield* v. *Coryell, supra*, the Court was presented with a privilege and immunities challenge to a New Jersey

statute which prohibited the taking of oysters in state waters from a boat not wholly owned by a resident of the state. Mr. Justice Washington, sitting as a Circuit Justice, ruled that the statute was constitutional. Justice Washington began his opinion by expressing the view that the Privileges and Immunities Clause was intended to protect only those fundamental rights which belong to the citizens of all free governments. In that regard, he stated:

> The inquiry is, what are the privileges and immunities of citizens in the several states? We feel no hesitation in confining these expressions to those privileges and immunities which are, in their nature, *fundamental;* which belong of right to the citizens of all free governments; and which have, at all times, been enjoyed by the citizens of the several states which compose this union, from the time of their becoming free, independent and sovereign.
>
> 6 F. Cas. at 551 (emphasis in original).

He thereupon proceeded to denominate some of those fundamental rights:

> What these fundamental principles are, it would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: protection by the government; the enjoyment of life and liberty, with the right to acquire and possess property of any kind, and to pursue and obtain happiness and safety; subject nevertheless to such restraints as the government may justly prescribe for the general good of the whole. The right of a citizen of one state to pass through or reside in any other state, for purposes of trade, agriculture, professional pursuits or otherwise; to claim the benefit of the writ of habeas corpus; to institute and maintain actions of any kind in the courts of the state; to take, hold and dispose of property, either real or personal; and an exemption from higher taxes or impositions than are paid by the other citizens of the state; may be mentioned as some of the particular privileges and immunities of citizens, which are clearly embraced by the general description of privileges deemed to be fundamental: to which may be added, the elective franchise as regulated and established by the laws or constitution of the state in which it is to be exercised.
>
> 6 F. Cas. at 551-552.

Having outlined the protections accorded a state citizen by the Clause, Justice Washington proceeded to describe, as a wholly distinct interest, the special ownership interest which the citizens of a state possess in the enjoyment of the state's fisheries:

> A several fishery, either as the right to it respects running fish, or such as are stationary, such as oysters, clams, and the like, is as much the property of the individual to whom it belongs, as dry land, or land covered by water . . . Where those private rights do not exist to the exclusion of the common right, that of fishing belongs to all the citizens or subjects of the state. It is the property of all; to be enjoyed by them in subordination to the laws which regulate its use. They may be considered as tenants in common of this property; and they are so exclusively entitled to the use of it, that it cannot be enjoyed by others without

> the tacit consent, or the express permission of the sovereign who has the power to regulate its use.[3]
>
> 6 F. Cas. at 552.

Justice Washington thus concluded that a state's citizens possess a proprietary right in the state's fisheries. While his description of the right suggested many incidents of a fee simple, he did not label the right as such. Rather, he invoked, by analogy, the interest which a private landowner possesses in the fisheries and game found upon his domain. 6 F. Cas. at 552. The landowner may exclude all others from entering upon that domain and thereby reserve to himself the exclusive use of such fisheries and game. He does not possess a fee simple, but a qualified interest based upon his ownership of the domain. *See generally* W. Blackstone, The Laws of England, vol.2, at 394 (21st ed. 1844).

Having outlined the nature of the guarantees provided by the Privileges and Immunities Clause, and having described the nature of the interest which the citizens of a state possess in the state's fisheries, the Court met the privileges and immunities claim frontally, setting forth the equities which supported giving the state's citizens a special claim to its fisheries:

> . . . [I]t would, in our opinion, be going quite too far to construe the grant of privileges and immunities of citizens, as amounting to a grant of a co-tenancy in the common property of the state to the citizens of all the other states.
>
> * * *

[3] It should be noted that Justice Washington made no distinction between stationary and free-swimming fish. See the discussion of *Toomer* v. *Witsell*, *post* at pp. 23-26.

> Such a construction would, in many instances, be productive of the most serious public inconvenience and injury, particularly in regard to those kinds of fish, which, by being exposed to too general use, may be exhausted. The oyster beds belonging to a state may be abundantly sufficient for the use of the citizens of that state, but might be totally exhausted and destroyed if the legislature could not so regulate the use of them as to exclude the citizens of the other states from taking them, except under such limitations and restrictions as the laws may prescribe.
>
> 6 F. Cas. at 552.

Thus, the right of a state's citizens to take fish from its waters was a right derived not from their citizenship per se, but rather a right derived from their special collective ownership interest in the state's fisheries. This being the case, the right of the state's citizens to take fish from its waters was not a privilege or immunity of citizenship guaranteed by the Constitution to the citizens of other states.

The views expressed by Mr. Justice Washington in *Corfield*, *supra*, were soon confirmed by the Full Court in *McCready* v. *Virginia*, 94 U.S. 391 (1876). There, the Court was presented with a privileges and immunities challenge to a Virginia statute which prohibited non-citizens of the state from planting oysters in certain of the state's tidewaters. As was the case in *Corfield*, the Court reiterated that the citizens of a state possess a special ownership interest in the state's fisheries, and that their right to the enjoyment of such fisheries is a property right rather than a privilege or immunity of citizenship. Specifically, the Court declared:

> The principle has long been settled in this court, that each State owns the beds of all tide-waters within its

jurisdiction, unless they have been granted away. *Pollard's Lessee* v. *Hagan,* 3 How. 212; *Smith* v. *Maryland,* 18 How. 74; *Mumford* v. *Wardwell,* 6 Wall. 436; *Weber* v. *Harbor Commissioners,* 18 *id.* 66. In like manner, the States own the tide-waters themselves, and the fish in them, so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty. *Martin* v. *Waddel,* 16 Pet. 410. The title thus held is subject to the paramount right of navigation, the regulation of which in respect to foreign and inter-state commerce, has been granted to the United States. There has been, however, no such grant of power over the fisheries. These remain under the exclusive control of the State, which has consequently the right, in its discretion, to appropriate its tide-waters and their beds to be used by its people as a common for taking and cultivating fish, so far as it may be done without obstructing navigation. Such an appropriation is in effect nothing more than a regulation of the use by the people of their common property. The right which the people of the State thus acquire comes not from their citizenship alone, but from their citizenship and property combined. It is, in fact, a property right, and not a mere privilege or immunity of citizenship.

94 U.S. at 394-395.

Accordingly, the Court concluded as follows:

> [W]e think we may safely hold that the citizens of one State are not invested by this clause of the Constitution with any interest in the common property of the citizens of another State. If Virginia had by law provided for the sale of its once vast public domain, and a division of the proceeds amongst its own people, no one, we venture to say, would contend that the citizens of other States had a constitutional right to the enjoyment of this privilege of Virginia citizenship. Neither if, instead of selling, the State had appropriated the same property to be used as a common by its people for the purposes of agriculture, could the citizens of other States avail themselves of such a privilege. And the reason is obvious; the right thus granted is not a privilege or immunity of general but of special citizenship. It does not "belong of right to the citizens of all free governments," but only to the citizens of Virginia, on account of the peculiar circumstances in which they are placed. They, and they alone, owned the property to be sold or used, and they alone, had the power to dispose of it as they saw fit. They owned it not by virtue of citizenship merely, but of citizenship and domicile united; that is to say, by virtue of a citizenship confined to that particular locality.
>
> The planting of oysters in the soil covered by water owned in common by the people of the State is not different in principle from that of planting corn upon dry land held in the same way. Both are for the purposes of cultivation and profit; and if the State, in the regulation of its public domain, can grant to its own citizens the exclusive use of dry lands, we see no reason why it may not do the same thing in respect to such as are covered by water. And as all concede that a State may grant to one of its citizens the exclusive use of a part of the common property, the conclusion would seem to follow that it might by appropriate legislation confine the use of the whole to its own people alone.
>
> 94 U.S. 395-396.

Thus, relying on the ownership principle, the Court upheld the statute.[4]

Corfield and *McCready* were the first cases to articulate the principle that the citizens of a state possess a special ownership interest in the state's wildlife resources, and to apply that principle to the mandate of the Privileges and Immunities Clause. Therefore, among the early decisions, they are the two that most directly support the position advanced by Massachusetts. However, the Court's decision in *Geer* v. *Connecticut,* 161 U.S. 519 (1896), also provides substantial support for that position. *Geer* involved a commerce clause challenge to a Connecticut statute which required that certain game birds killed in Connecticut remain for use within the state's boundaries. In upholding the statute the Court undertook an extensive review of the history of ownership in wild animals from the days of Roman law to the present. The relevant portions of that review are as follows:

> From the earliest traditions the right to reduce animals *ferae naturae* to possession has been subject to the control of the law-giving power.
>
> 161 U.S. at 522.
>
> * * *
>
> In the feudal as well as the ancient law of the continent of Europe, in all countries, the right to acquire animals *ferae naturae* by possession was recognized

[4] Unlike Mr. Justice Washington, the Court did not attempt to establish a general definition of what are and what are not privileges and immunities of citizenship. Rather, it suggested that a more proper approach is to consider each case on its own facts. 94 U.S. at 395. Both approaches have found varying favor with the Court over the years. *Compare, e.g., The Slaughter House Cases,* 16 Wall. 36, 75-77 (1873) *with Conner* v. *Elliot,* 18 How. 591, 593 (1856). *See also Austin* v. *New Hampshire,* 420 U.S. 656 660 (1975); *Paul* v. *Virginia,* 8 Wall. 168, 180-181 (1868).

> as being subject to the governmental authority and under its power, not only as a matter of regulation, but also of absolute control.
>
> 161 U.S. at 523.
>
> * * *
>
> The practice of the government of England from the earliest time to the present has put into execution the authority to control and regulate the taking of game.
>
> Undoubtedly this attribute of government to control the taking of animals *ferae naturae*, which was thus recognized and enforced by the common law of England, was vested in the colonial governments, where not denied by their charters, or in conflict with grants of the royal prerogative. It is also certain that the power which the colonies thus possessed passed to the States with the separation from the mother country, and remains in them at the present day, insofar as its exercise may not be incompatible with, or restrained by, the rights conveyed to the Federal Government by the Constitution.
>
> 161 U.S. at 527-528.
>
> * * *
>
> Whilst the fundamental principles upon which the common property in game rests have undergone no change, the development of free institutions has led to the recognition of the fact that the power of control lodged in the State, resulting from this common ownership, is to be exercised, like all other powers of government, as a trust for the benefit of the people, and not as a prerogative for the advantage of the government, as distinct from the people, or for the benefit of private individuals as distinguished from the public good. Therefore, for the purpose of exercising this power, the State, as held by this Court in *Martin* v. *Waddell*,

16 Pet. 410, represents its people, and the ownership is that of the people in their united sovereignty.

161 U.S. at 529.

Thus, the Court once again made plain that the citizens of a state possess, in common, a special ownership interest in the wild animals found within the state. Moreover, it gave direct support to *Corfield* and *McCready* by criticizing "the contention that a State cannot allow its own people the enjoyment of the benefits of the property belonging to them in common, without at the same time permitting the citizens of other States to participate in that which they do not own." 161 U.S. at 530.

The doctrine established by *Corfield*, *McCready*, and *Geer*, has been recognized in subsequent decisions of this Court. For example, in *Patsone* v. *Pennsylvania*, 232 U.S. 138 (1914), the Court upheld the constitutionality of a Pennsylvania statute which prohibited the ownership of guns by aliens for the purpose of killing game within the state. Citing *Geer*, the Court declared, "It is to be remembered that the subject of this whole discussion is wild game, which the State may preserve for its own citizens if it pleases." 232 U.S. at 145-146. Moreover, in *Truax* v. *Raich*, 239 U.S. 33 (1915), the Court struck down an Arizona statute which restricted the employment of aliens. In doing so, it noted, "The discrimination defined by the act does not pertain to the regulation or distribution of the public domain, or of the common property or resources of the people of the State, the enjoyment of which may be limited to its citizens as against both aliens and the citizens of other States." 239 U.S. 33, 39-40. Finally, in *LaCoste* v. *Department of Conservation of Louisiana*, 263 U.S. 545 (1924), the Court held constitutional a Louisiana statute imposing a tax on animal hides taken within the state. In its decision, it observed, "The wild animals within its

borders are, so far as capable of ownership, owned by the State in its sovereign capacity for the common benefit of all of its people. Because of such ownership, and in the exercise of its police power the State may regulate and control the taking, subsequent use and property rights that may be acquired therein." 263 U.S. at 549 (*citing, inter alia, Geer, supra* at 528). *Cf. Sugarman* v. *Dougall*, 413 U.S. 634, 644, fn. 11 (1973) (recognizing a "special-public-interest doctrine" under which the Court has upheld "statutes that, in the absence of overriding treaties,[5] limit the right of noncitizens to exploit a State's natural resources"); *Graham* v. *Richardson*, 403 U.S. 365, 372-374 (1971) (also recognizing a "special-public-interest doctrine").[6]

All of these cases reflect a recognition that the right of a state's citizens to the enjoyment of its wildlife resources is something unique and separate from other rights which citizens possess. That unique interest of citizens should be reaffirmed in this case as the basis for permitting Massachusetts to preserve its fisheries for the use and benefit of Massachusetts citizens.

---

[5] Regarding the reference to overriding treaties, see the discussion of *Missouri* v. *Holland*, 252 U.S. 416 (1920), *post* at pp. 23-25.

[6] The doctrine of *Corfield*, *McCready* and *Geer*, *supra*, was widely accepted by the state courts as well. *See, e.g., Organ* v. *State*, 56 Ark. 267, 270, 19 S.W. 840, 840-841 (1892); *State* v. *Farroba*, 201 La. 259, 266, 9 So. 2d 539, 542 (1942); *State* v. *Ruvido*, 137 Me. 102, 105, 15 A.2d 293, 295 (1940); *Bruce* v. *Director, Department of Chesapeake Bay Affairs*, 261 Md. 585, 607-611, 276 A.2d 200, 212-213 (1971); *State* v. *Corson*, 67 N.J.L. 178, 183, 50 A. 780, 783 (1901); *State* v. *Kofines*, 33 R.I. 211, 231, 80 A. 432, 440 (1911); *Haughton* v. *Lankford*, 189 Va. 183, 194-195, 52 S.E. 2d 111, 116 (1949).

With regard to the lower federal courts, a recent application of the doctrine may be found in *Maine* v. *M/V Tamano*, 357 F. Supp. 1097, 1100 (D. Maine 1973). There, the court, citing *McCready*, ruled that the interest which the citizens of a state possess in its marine resources empowers the state to bring a *parens patriae* action against entities responsible for damaging those resources by an oil spill.

II. *Toomer* v. *Witsell* Does Not Support an Attack on the Constitutionality of the Act of 1923, Because Other Decisions of This Court and Subsequent Congressional Action Undermine Its Authority.

In *Toomer* v. *Witsell*, 334 U.S. 385, 395-403 (1948), the Court, for the first time, departed from the doctrine of *Corfield*, *McCready* and *Geer*. The facts of *Toomer* may be stated briefly. A statute of South Carolina imposed a prohibitory license fee of $2500 on certain non-resident boats taking migratory shrimp within three miles of the state's coastline, but charged similar boats owned by residents a license fee of only $25. The plaintiff, a non-resident of South Carolina, brought an action to enjoin the imposition of the higher fee, claiming that the statute violated the Privileges and Immunities Clause. The Court struck down the statute.

Recognizing that its decision directly contradicted what had been said in the earlier cases, the Court attempted to de-emphasize the significance of those cases. 334 U.S. at 400. It began by indicating that *McCready* was the only case relevant to the question before it, thus avoiding any discussion of *Corfield* or *Geer*. The Court then attempted to narrow the principle upon which the *McCready* decision was based. It did so by noting two factual distinctions between *McCready* and *Toomer*. 334 U.S. at 401. First, the fish involved in *McCready* were stationary, while those involved in *Toomer* were free-swimming. Second, the *McCready* fishery was located in the state's tidewaters, while the fishery involved in *Toomer* was located in the marginal sea. The Court next asserted that, given these two distinctions, the citizens of South Carolina could not be said to own the fisheries involved in *Toomer* in the same manner that the citizens of Virginia owned the fisheries in *McCready*. 334 U.S. at 401-402. Finally, the Court proceeded to criticize, in dictum, the ownership doctrine in its entirety, stating:

> The whole ownership theory, in fact, is now generally regarded as but a fiction expressive in legal shorthand of the importance to its people that a State have power to preserve and regulate the exploitation of an important resource. And there is no necessary conflict between that vital policy consideration and the constitutional command that the State exercise that power, like its other powers, so as not to discriminate without reason against the citizens of other States.
>
> 334 U.S. at 402.

Thus, in the view of the Court, the right of the citizens of South Carolina to take free-swimming fish from the marginal sea was not a property right, but rather a privilege or immunity of citizenship, which could not constitutionally be denied to citizens of the other states. *Id.*[7]

The two distinctions drawn by the Court between the facts of *Toomer* and those of *McCready* should not be permitted to control here. With regard to the distinction between ownership in the tidewaters and ownership in the marginal sea, the *Toomer* Court stated:

> The fact that it is activity in the three-mile belt which the South Carolina statute regulates is of equal relevance in considering the applicability of the ownership doctrine. While *United States* v. *California*, 332 U.S. 19 (1947), . . . does not preclude all State regulation of activity in the marginal sea, the case does hold that neither the thirteen original colonies nor their succes-

[7] *See also Mullaney* v. *Anderson*, 342 U.S. 415 (1952) (on authority of *Toomer*, statute of Alaska Territory imposing license fee on non-residents higher than that imposed on residents, relative to fishing in marginal sea, held violative of Privileges and Immunities Clause); *Takahashi* v. *Fish and Game Commission*, 334 U.S. 410 (1948) (state statute restricting rights of aliens to fish in marginal sea held violative of Equal Protection Clause).

> sor States separately acquired "ownership" of the three-mile belt.
>
> 334 U.S. at 402.

As the quoted language suggests, the Court was heavily influenced by its decision, a year earlier, in *United States* v. *California* 332 U.S. 19 (1947). This case involved an action brought by the United States for a determination of the respective rights of the United States and California to the land and natural resources located in the marginal sea within three miles of the state's coastline. Declaring that the United States had, since the War of Independence, acquired "broad dominion and control" over the three-mile belt, the Court ruled that the rights of the Federal Government in the belt were "paramount" to those of the state. 332 U.S. at 33-34, 39. It expressly stated that California did not have ownership rights in the belt. 332 U.S. at 38.

The conclusions set forth in *United States* v. *California* were subsequently reaffirmed in *United States* v. *Louisiana*, 339 U.S. 699, 704-706 (1950), and *United States* v. *Texas*, 339 U.S. 707, 715-720 (1950). Given the *California, Louisiana* and *Texas* decisions, the *Toomer* Court's distinction between a state's ownership rights in its tidewaters and its rights in the marginal sea might have been sound at the time. However, the basis for that distinction has since been eliminated.

Public reaction to the principles set forth in the *California, Louisiana* and *Texas* decisions was immediately and overwhelmingly unfavorable. In particular, Congress considered the cases as a usurpation by the Federal Government of rights which had historically belonged to the states. *See* H.R. Rep. No. 215, 83d Cong., 1st Sess. 15, 34-53 (1953); S. Rep. No. 133, 83d Cong., 1st Sess. 6-8, 54-74 (1953).[8] The

[8] The Senate Committee on Interior and Insular Affairs stated:

result was the passage of the Submerged Land Act of 1953. *See* H.R. Rep. No. 215, *supra* at 5; S. Rep. No. 133, *supra* at 5.

The Act is now codified in 43 U.S.C. §1301 *et seq.* (1966). Section 1311(a) conveys to the respective coastal states the "rights of dominion" which the United States had been deemed to possess as a result of the *California, Louisiana* and *Texas* decisions. Section 1311(a) provides as follows:

> It is determined and declared to be in the public interest that (1) title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and (2) the right and power to manage, administer, lease, develop, and use the said lands and natural resources all in accordance with applicable State law be, and they are, subject to the provisions hereof, recognized, confirmed, established, and vested in and assigned to the respective States . . .

Section 1301, the definitions section, leaves no doubt that Congress conveyed not only the lands under the marginal sea but all of the natural resources, including fish, found within the three-mile belt:

> . . . [T]he Court . . . not only established the law differently from what eminent jurists, lawyers, and public officials for more than a century believed it to be, but also differently from what the Supreme Court had believed it to be.
>
> S. Rep. No. 133, *supra* at 56.

In the latter regard, the Court itself declared, in *United States* v. *California*:

> . . . [T]his Court has followed and reasserted the basic doctrine of [*Pollard's Lessee* v. *Hagan*, 3 How. 212 (1844)] many times. And in so doing it has used language strong enough to indicate that the Court then believed that states not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not.
>
> 332 U.S. at 36.

When used in this chapter —

(a) The terms "land beneath navigable waters" means —

* * *

(2) all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary as it existed at the time such State became a member of the Union, or as heretofore approved by Congress extends seaward (or into the Gulf of Mexico) beyond three geographical miles,

* * *

(e) The term "natural resources" includes, without limiting the generality thereof, oil, gas, and all other minerals, and *fish,* shrimp, oysters, clams, crabs, lobsters, sponges, kelp, and other marine animal and plant life but does not include water power, or the use of water for the production of power. (emphasis supplied.)

By its terms, the Act conveys to the respective coastal states an *ownership* interest in such lands and resources. That such was the intent of Congress is clear from a review of the legislative history of the Act. *See, e.g.,* H.R. REP. No. 215, *supra* at 15; S. REP. No.133, *supra* at 64, 72-73.[9] Moreover, that the section did, in fact, convey such an interest was confirmed by this Court's decision in *Alabama* v. *Texas,* 347 U.S. 272 (1954). There the Court upheld the constitutionality of the Act as a valid exercise of the power

[9] The House Committee on the Judiciary and the Senate Committee on Interior and Insular Affairs both stated:

> The offshore rights which are confirmed to the States and their grantees are rights growing out of the concept of ownership and proprietary use and development . . .
>
> H.REP. No. 215 at 15, S. REP. No. 133 at 72-73.

vested in Congress by Article IV, §3, cl. 2, of the Constitution to "dispose of . . . Property belonging to the United States." 272 U.S. at 273. Mr. Justice Reed, concurring, stated:

> The use or control of the undersea area and its resources by the respective states cannot . . . now be challenged by any other state on the ground of lack of sovereignty in the challenged state.
>
> 347 U.S. at 276.

See also United States v. *Louisiana,* 363 U.S. 1, 16-20 (1959).

Thus, there can be no doubt that the states now possess the same rights of ownership over fisheries located in the marginal sea as they have always possessed over fisheries located in their tidewaters. That being the case, the distinction drawn in *Toomer* between state ownership in the tidewaters and ownership in the marginal sea can no longer, in and of itself, preclude a state from preserving its fisheries for the benefit of its citizens.

Accordingly, the only remaining basis for questioning the applicability of the *McCready* doctrine to the Massachusetts statute is the other distinction set forth in *Toomer,* namely, that the fish involved in *McCready* were stationary while those involved in *Toomer* were migratory. That distinction lacks merit for two reasons. First, it finds no support in prior Supreme Court adjudication. Second, it is a deceptive factual distinction with problematic implications best left to legislative inquiry and line-drawing; to the degree that Congress has addressed the question of state ownership of marine resources, it has not adopted the *Toomer* distinction.

In support of the stationary-migratory distinction, the *Toomer* Court offered only two authorities. The first was *Missouri* v. *Holland,* 252 U.S. 416 (1920). That case involved

an action by Missouri to enjoin a federal game warden from enforcing within the state the provisions of a federal treaty which regulated the taking of migratory birds. The state claimed that it possessed an ownership interest in such birds which rendered them immune from the operation of the treaty. Mr. Justice Holmes, writing for the Court, disagreed. The language quoted in the *Toomer* opinion is as follows:

> To put the claim of the State upon title is to lean upon a slended reed. Wild birds are not in the possession of anyone; and possession is the beginning of ownership.
>
> 252 U.S. at 434.

When this language is read in its proper context, it becomes plain that Justice Holmes was not criticizing the ownership doctrine as such, but rather the state's attempt to assert that doctrine in derogation of the federal treaty power. Thus, as Justice Holmes went on to state:

> If we are to be accurate we cannot put the case of the State upon higher ground than that the treaty deals with creatures that for the moment are within the state border, that it must be carried out by officers of the United States within the same territory, and that but for the treaty the State would be free to regulate this subject itself.
>
> As most of the laws of the United States are carried out within the States and as many of them deal with matters which in the reliance of such laws the state might regulate, such general grounds are not enough to support Missouri's claim. Valid treaties of course "are as binding within the territorial limits of the States as they are elsewhere throughout the dominion of the United States." *Baldwin* v. *Franks*, 120 U.S. 678, 683. No doubt the great body of private relations usually fall within the control of the State, but a treaty may override its power.
>
> 252 U.S. at 434.

Thus, while the Court ruled that the state's ownership of the birds was not sufficient to suspend the operation of the treaty, the fundamental principle underlying its ruling was that the federal treaty power is paramount to *all* state authority. There is no inconsistency between that ruling and the contentions advanced by Massachusetts in this case. Certainly Mr. Justice Holmes saw no such inconsistency, for in *Patsone* v. *Pennsylvania, supra,* decided six years prior to *Missouri* v. *Holland,* he stated, "It is to be remembered that the subject of this whole discussion is wild game, which the State may preserve for its own citizens if it pleases." 232 U.S. at 145-146.

The only other case cited by the *Toomer* Court in support of the stationary-migratory distinction was *Manchester* v. *Massachusetts,* 139 U.S. 240 (1891). In that case, the Court upheld the power of Massachusetts to regulate fishing in Buzzard's Bay. However, the Court expressed no opinion whatsoever as to whether or not a state might prohibit non-residents from taking free-swimming fish. 139 U.S. at 265.

Against the meager authority offered by the *Toomer* Court, there stands one hundred and twenty-five years of prior decisional law treating a state's ownership interest in mobile or migratory animals precisely the same as its interest in stationary animals. *See, e.g., Corfield, supra* at 552; *McCready, supra* at 394; *Geer, supra* at 522-530.

Equally important is the fact that Congress, in conveying to the States the resources within the marginal belt, made no distinction between stationary fish and free-swimming fish. As noted above, the resources conveyed by 43 U.S.C. §1311(a) include *all* fish within the three-mile belt. The failure of Congress to draw a distinction between stationary and migratory fish was not the result of oversight. Rather, it reflected the view of Congress, based upon an exhaustive review of the law of coastal resource management, that ownership of the lands and waters of the

marginal sea necessarily entailed ownership of all the resources found within those lands and waters. As the Senate Committee on Interior and Insular Affairs observed:

> Except in a few instances, where international treaties were involved, State control of fishing in navigable waters, within the State's boundaries, has been exclusive. The principal basis for this right to control fishing rests upon the proprietary rights of the State to the waters and the soil thereunder.
>
> S. REP. No. 133, *supra* at 64 (*citing, e.g., McCready, supra*).

See also H.R. REP. No. 215, *supra* at 43 (using identical language).

Ultimately, the appropriateness of a distinction between migratory and stationary wildlife is best left for Congressional analysis. The relative mobility of a given species of fish is an elusive concept at best. Where Congress has indicated that such a concept is not the criterion upon which important rights should turn, this Court should respect its judgment. *Cf. Katzenbach* v. *Morgan*, 384 U.S. 641, 648-658 (1966); *Trafficante* v. *Metropolitan Life Insurance Co.*, 409 U.S. 205, 212 (1972) (White, J., concurring); *Welsh* v. *United States*, 398 U.S. 333, 367 (1970) (White, J., dissenting). *See also* Cox, *The Role of Congress in Constitutional Determinations*, 40 U. CINN. L. REV. 199 (1971). The application of the Privileges and Immunities Clause ought not depend on the unique biological characteristics of a fish.[10]

[10] Moreover, the apparent simplicity of the migratory-stationary distinction is deceptive. It introduces problems of ownership into the area of mineral resources, which Congress clearly intended to vest in the states. Gas and oil, like animals, are capable of natural movement across state lines. If migratory fish are to be deemed incapable of ownership, there would be no principled basis for concluding that gas and oil are capable of ownership. From the earliest times, courts have compared ownership of natural gas and oil to that of wild animals. *See Hammonds* v. *Central Kentucky Natural Gas Co.*, 255 Ky. 685, 689, 75 S.W. 2d 204, 206 (1934). In *Westmoreland & Cambria Natural Gas Co.* v. *DeWitt*, 130 Pa. 235, 18 A. 724 (1899), the court said:

> Water and oil, and still more strongly gas, may be classed by themselves, if the analogy be not too fanciful, as minerals ferae naturae. In common with animals, and unlike other minerals, they have the power and the tendency to escape without the volition of the owners. Their "fugitive and wandering existence within the limits of a particular tract was uncertain." . . . They belong to the owner of the land, and are part of it, so long as they are on or in it, and are subject to his control; but when they escape, and go into other land, or come under another's control, the title of the former owner is gone. Possession of the land, therefore, is not necessarily possession of the gas.
>
> 130 Pa. at 249, 18 A. at 725 (citations omitted).

In *Brown* v. *Spilman*, 155 U.S. 665 (1894), this Court itself recognized the migratory nature of oil and gas:

> Petroleum gas and oil are substances of a peculiar character, and decisions in ordinary cases of mining, for coal and other minerals which have a fixed *situs*, cannot be applied to contracts concerning them without some qualifications. They belong to the owner of the land, and are part of it, so long as they are on it or in it, or subject to his control, but when they escape and go into other land, or come under another's control, the title of the former owner is gone.
>
> 155 U.S. at 669-670.

[11] The sole authority cited by the *Toomer* Court in support of its critique was R. POUND, AN INTRODUCTION TO THE PHILOSOPHY

The above discussion establishes that, however valid in 1948, the arguments which the *Toomer* Court used to distinguish *McCready* have lost their vitality. Thus, in his attack on the Act here involved, Westcott is left solely with the Toomer Court's general critique of the ownership doctrine. The statements contained in that critique are a wholly inadequate basis for striking down a state statute. Having declined to overrule *McCready*, the *Toomer* Court's critique of the ownership doctrine cannot be read as anything more than dictum.[11] It was advanced during a time when the Court believed that the states should not be permitted to assume absolute control of coastal resources. *See United*

States v. *California, United States* v. *Louisiana,* and *United States* v. *Texas, supra.* Congress, however, made a different determination in the Submerged Lands Act. The *Toomer* Court's ownership critique has therefore lost whatever significance it may once have possessed.

Thus, in determining whether the Act of 1923 comports with the requirements of the Privileges and Immunities Clause, this Court should reject *Toomer* and follow *McCready,* which Justice Frankfurter characterized as "the symbol of one of the weightiest doctrines in our law." *Toomer, supra,* at 408 (Frankfurter, J., concurring). On the basis of this doctrine, the Court should hold that the Act of 1923 is constitutional, thereby permitting Massachusetts to preserve for the use of its citizens the fishery of Vineyard Sound.

Conclusion

For the reasons stated above, Massachusetts urges that the decision of the Supreme Judicial Court be vacated and that the case be remanded for a consideration of the respondent's equal protection claim.*

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* The substantial assistance of Carl Valvo, Class of 1977, Boston College Law School, is hereby gratefully acknowledged.

OF LAW, 197-202 (1922). While Dean Pound was generally critical of the ownership doctrine he did recognize that a state must have the power to determine "the persons by whom [wild animals] may be acquired in order to prevent their extermination." Pound, *supra* at 199.

1

FOR INSTRUCTIONAL PURPOSES ONLY. NOT TO BE USED FOR NAVIGATION

1210 1210 Tr

UNITED STATES – EAST COAST
MASSACHUSETTS – RHODE ISLAND

MARTHA'S VINEYARD TO BLOCK ISLAND

INCLUDING WESTERN APPROACH TO CAPE COD CANAL

Mercator Projection
Scale 1:80,000 at Lat. 41°27'

SOUNDINGS IN FEET
AT MEAN LOW WATER

ANCHORAGE AREAS

LOGARITHMIC SPEED SCALE

To find SPEED, place one point of dividers on nautical miles run and the other on minutes run. Without changing divider spread, place right point on 60 and left point will then indicate speed in knots. Example: with 4.0 miles run in 15 minutes, the speed is 16.0 knots.

NOTE

Navigation regulations are published in Chapter 2, Coast Pilot 1, and subsequent changes and weekly Notices to Mariners. Copies of corrections may be obtained at the office of the District Engineer, Corps of Engineers in Waltham, Mass.
Refer to section number in text with area designation

ABBREVIATIONS (For complete list of Symbols and Abbreviations, see C & G.S. Chart No. 1)

Lights, Lights are white unless otherwise indicated.)

F. fixed	Sl. short long	OBSC. obscured	Occ. occulting
Fl. flashing	Occ. occulting	alt(n). alternate	SEC. sector
Qk. quick	Alt. alternating	Dia. diaphone	m. minutes
Int. interrupted	Qk. interrupted quick	M. nautical miles	sec. seconds

Buoys T.S. temporary buoy N. nun B. black Or. orange W. white
C. can S. spar R. red G. green Y. yellow

Bottom characteristics

M. mud	hrd. hard	bk. black	gr. grey
Co. coral	Rk. rock	sy. rocky	br. brown	rd. red	wh. white
G. gravel	S. sand	sft. soft	bu. blue	wh. white	yl. yellow
Gvl. gravel	Sh. shells	stk. sticky	gn. green	yl. yellow	

Wreck, rock, obstruction, or shoal swept clear to the depth indicated
Rocks that cover and uncover, with heights in feet above datum of soundings

AERO aeronautical R. Bn. radiobeacon C. G. Coast Guard station
Bn. radiobeacon R. TR. radio tower D.F.S. distance finding station
AUTH. authorized Obstr. obstruction P.A. position approximate E.D. existence doubtful

TIDAL INFORMATION

Place	Mean High Water	Mean Low Water	Mean Low Water	Extreme Low Water
	feet	feet	feet	feet
Gay Head	3.0	1.5	0.0	−2.5
Woods Hole	1.8	0.6	0.0	−2.5
Vineyard Haven	3.3	1.8	0.0	−2.5
Menemsha	3.5	1.8	0.0	−2.5
Point Judith	3.1	1.5	0.0	−2.5

(Plan)

HEIGHTS

Heights in feet above Mean High Water

AUTHORITIES

Hydrographic and topographic by the Coast and Geodetic Survey with additions and revisions from the Corps of Engineers and Geological Survey

CAUTION

Improved channels shown by broken lines are subject to shoaling, particularly at the edges

CAUTION

Temporary obstructions in operation are not indicated on this chart except where a light indicates a fixed aid. See Notice to Mariners

CAUTION

Mariners are warned to stay clear of the protective breakwaters surrounding large light structures

NOTE C

NEW BEDFORD AND FAIRHAVEN HARBOR

The present depth in the river between Rodman Pier and the New Bedford and Fairhaven Bridge for connecting depth limit see C and DR

CAPE COD CANAL CHANNEL DEPTHS

Tabulated from current by the Corps of Engineers - report of Mar. 1962

Controlling depths in channels entering from Cape Cod Bay in feet at Mean Low Water

Name of Channel	Left outside quarter	Middle half of channel	Right outside quarter	Date of Survey	Existing dredged width (feet)	Project Dimensions: Length (nautical miles)	Project Dimensions: Depth M.L.W. (feet)
Canal Land Cut	32.0	31.0	32.0	7-62	480	7.6	32
Hog Island Channel	32.0	31.0	32.0	7-62	500	3.8	32
Cleveland Ledge Channel	±30.0	±32.0	±30.0	7-62	700	3.4	32

a. A controlling depth of 25 feet exists at the southwesterly approach to Cleveland Ledge Channel between lines bearing 232° from the charted positions of Cleveland Ledge Channel Lighted Buoy 1 (41°33'.6 N, 70°45'.9 W.) and Buzzards Bay Lighted Buoy 2A (41°32'.6 N., 70°42'.9 W.).
Note: The Corps of Engineers should be consulted for changing conditions with respect to the above

CAPE COD CANAL

Traffic signals are maintained at Wing Neck Bridge, Buzzards Bay, at the Cape Cod Bay Entrance to the Canal and at the Canal Office, Buzzards Bay. (see chart 251)

LOCAL MAGNETIC DISTURBANCE

Differences of as much as 5° from the normal variation may be expected in the vicinity of the Cape Cod Canal entrance, Buzzards Bay and Vineyard Sound.

AREA ENCLOSED BY ACT OF FEB. 20, 1923

RHODE ISLAND SOUND

BUZZARDS BAY

MARTHA'S VINEYARD

NEW BEDFORD

Fairhaven

Mattapoisett

Marion

Wareham

Onset

Stonington

Menemsha Hbr.

Vineyard Haven

Edgartown

Cuttyhunk

Gay Head

Gay Head Lt

Southwest Shoal

Middle Ground

East Ground

Block Island

Point Judith

Newport

Mount Hope Bay

Sakonnet River

West Passage

East Passage

Narragansett Bay

Quicks Hole

Woods Hole

Nashawena I.

Pasque I.

Cuttyhunk I.

Penikese I.

Naushon I.

Elizabeth Islands

Tarpaulin Cove

Lagoon Pond

Menemsha Pond

Squibnocket Pt.

Chilmark

Aquinnah

Cedar Tree Neck

Norton Pt.

Wings Neck

Mashnee I.

Monument Beach

Hog I.

Prudence I.

Hope Island

Dyer I.

Gould I.

Conanicut I.

Jamestown

Newport

Middletown

Portsmouth

Tiverton

Little Compton

Westport

Dartmouth

Fairhaven

Acushnet

Rochester

Mattapoisett

Marion

Wareham

Onset

Stonington

Menemsha Hbr.

Vineyard Haven

Edgartown

Cuttyhunk

Gay Head

Gay Head Lt

Southwest Shoal

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Block Island

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Newport

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Sakonnet River

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Woods Hole

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Pasque I.

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Menemsha Pond

Squibnocket Pt.

Chilmark

Aquinnah

Cedar Tree Neck

Norton Pt.

Wings Neck

Mashnee I.

Monument Beach

Hog I.

Prudence I.

Hope Island

Dyer I.

Gould I.

Conanicut I.

Jamestown

Newport

Middletown

Portsmouth

Tiverton

Little Compton

Westport

Dartmouth

Fairhaven

Acushnet

Rochester

1210 Tr

FOR INSTRUCTIONAL PURPOSES ONLY. NOT TO BE USED FOR NAVIGATION

Compiled and printed at Washington, D.C. by U.S. DEPARTMENT OF COMMERCE
Luther H. Hodges, Secretary
COAST AND GEODETIC SURVEY

(Martha's Vineyard to Block Island)
SOUNDINGS IN FEET - SCALE 1:80,000
1210 Tr

C.&G.S. 1210

In the
SUPREME COURT OF THE UNITED STATES
October Term, 1976

No. 75-1775

COMMONWEALTH OF MASSACHUSETTS,
Petitioner,
v.
JACK B. WERTOTT,
Respondent.

ON A WRIT OF CERTIORARI TO THE
SUPREME JUDICIAL COURT OF MASSACHUSETTS

APPENDIX TO THE
BRIEF FOR THE PETITIONER

APPENDIX

2/1

GENERAL REMARKS

Chart No. 1 contains symbols and abbreviations which have been approved for use on nautical charts published by the United States of America, 1948. Some symbols and abbreviations are numbered in accordance with a standard form approved by a 1962 resolution of the International Hydrographic Organization (IHO). Although the use of IHO approved symbols and abbreviations is not mandatory, the USA has cooperated to adopt many IHO approved symbols for standard use on U.S. nautical charts. A few features differ. Differences in the first column of the following pages indicate symbols and abbreviations that are as follows:

SLANTING FIGURES indicate those items for which the symbol and abbreviation are in accordance with resolutions of the IHO.

SLANTING FIGURES indicate those symbols for which IHO resolution has been adopted.

SLANTING FIGURES UNDERLINED indicate that the symbol has been adopted by the USA.

SLANTING FIGURES PARENTHESIZED indicate that the items are in addition to those appearing in the 1962 IHO report of standard form.

All changes since the June 1965 edition of this publication are indicated by the dagger symbol in the margin immediately adjacent to the item identification of the symbol or abbreviation affected.

BEARINGS: A conspicuous feature on a bearing may be shown by a landmark symbol with a descriptive label (See I-6a, 16, 18, 22). Prominent buildings that are of assistance to the mariner may be shown in actual shape as viewed from above (See I-1a, 1, 47, 48).

BUOYS and BEACONS: On entering a channel from seaward, buoys on starboard side are red with even numbers, on port side black with odd numbers. Light on buoy on starboard side of channel are red or white, on port side white or green. Well-channel buoys have black and white vertical stripes. Junction or obstruction buoys, which may be passed on either side, have red and black horizontal bands. This system does not always apply to foreign waters. The dot of the buoy symbol, the small circle of the light vessel and mooring buoy symbols, and the center of the beacon symbol indicate their positions.

COLORS are optional for characterizing various features and areas in the charts.

DEPTH contours and soundings are shown in meters on an increasing number of new charts and new editions.

HEIGHTS of land and conspicuous objects are given in feet above Mean High Water, unless otherwise stated in the title of the chart.

IMPROVED CHANNELS are shown by limiting dashed lines with the depth and date of the latest examination plotted adjacent to the channel center when the channel data is tabulated.

LETTERING styles and capitalization as indicated in Chart No. 1 are not always rigidly adhered to on the charts.

LONGITUDES are referred to the Meridian of Greenwich.

OBSOLESCENT SYMBOLIZATION on charts will be revised to agree with the current preferred usage as soon as opportunity affords.

SCALES are computed on the middle latitude of each chart, or on the middle latitude of a series of charts.

SHORELINE is the line of Mean High Water, except in marsh and mangrove areas, where the apparent shoreline (outer edge of vegetation) is used. A heavy line (A.9) is used to represent a firm shoreline. A light line (A.5) represents an apparent shoreline.

U. S. COAST PILOTS, SAILING DIRECTIONS, LIGHT LISTS, RADIO AIDS, and related publications furnish information required by the navigator that cannot be shown conveniently on the nautical chart.

U. S. NAUTICAL CHART CATALOGS and INDEXES list nautical charts, auxiliary maps, and related publications, and include general information relative to the charts.

Some differences may be observed between Chart No. 1 and symbols shown on certain reproductions of foreign charts and special charts. Foreign symbols may be interpreted by reference to the Symbol Sheet or Chart No. 1 of the originating country. A glossary of foreign terms and abbreviations is generally given on charts on which they are used, as well as in the Sailing Directions.

A. The Coastline (Nature of the Coast) (see General Remarks)

1. Shoreline surveyed
2. Piers (Coast (Built))
3a. Flat coast
3b. Cliffy coast
3c. Rocky coast
4. Sandhills, Dunes
5. Stony or Shingly shore
6. Sandy shore
7. Mangrove
8. Surveyed coastline
9. High water line
10. Low water (sounding datum) line
11. Foreshores
12. Approximate water line, water line
13. Mud
14a. Mud
14b. Sand
15. Stones, Shingle, or Gravel
16. Limit of unsurveyed areas
17. Pitted rock
18. Rock, uncovers at sounding datum (See A-9g)
19. Sand and mud
20. Sand and gravel
21. Coral
22. Coral reef, drying
23. Rubble

B. Coast Features

*1	G	Gulf
2	B	Bay
(Bn)	B	Bayou
3	Fd	Fjord
4	L	Loch, Lough, Lake
5	Cr	Creek
5a	C	Cove
6	In	Inlet
7	Str	Strait
8	Sd	Sound
9	Pass	Passage, Pass
	Thoro	Thorofare
10	Chan	Channel
10a		Narrows
11	Entr	Entrance
12	Est	Estuary
12a		Delta
13	Mth	Mouth
14	Rd	Road, Roadstead
15	Anch	Anchorage
16	Hbr	Harbor
16a	Hn	Haven
17	P	Port
(Bn)	P	Pond
18	I	Island
19	It	Islet
20	Arch	Archipelago
21	Pen	Peninsula
22	C	Cape
23	Prom	Promontory
24	Hd	Head, Headland
25	Pt	Point
26	Mt	Mountain, Mount
27	Rge	Range
27a		Valley
28		Summit
29	Pk	Peak
30	Vol	Volcano
31		Hill
32	Bld	Boulder
33	Ldg	Landing
34		Table-land (Plateau)
35	Rk	Rock
36		Isolated rock
(Br)	Str	Stream
(Bd)	R	River
(Bn)	Slu	Slough
(Bl)	Lag	Lagoon
(Ba)	Appro	Approaches
(Bh)	Rky	Rocky

C. The Land (Natural Features)

1. Contour lines (Contours)
1a. Contour lines, approximate (Contours)
2. Hachures
2a. Form lines, no definite crests
2b. Shading
3. Cliffs
4. Scarps
5. Isolated trees
5a. Deciduous tree (Conifer)
5b. Conifer
5c. Palm tree
5d. Nipa palm
5e. Filao
5f. Casuarina
5g. Evergreen tree (other than coniferous)
6. Cultivated
6. Cultivated fields
6a. Grass fields
7. Paddy (rice) fields
7a. Park, Garden
8. Bushes
8. Bushes
8a. Tree plantation (in general)
9. Wooded
9. Deciduous woodland
10. Coniferous woodland
10a. Woods (in general)
11. Tree top height (above shoreline datum)
12. Lava flow
13. River, Stream
14. Intermittent stream
15. Lake, Pond
16. Lagoon (Lag)
17. Marsh, Swamp
18. Slough (Slu)
19. Rapids
20. Waterfalls
21. Spring

D. Control Points

1	△	Triangulation point (station)
1a		Astronomic Station
1b	○	Fixed point (landmark, position accurate)
(Ba)	⊕	Fixed point (landmark, position approx.)
3	·256	Summit of height (Peak) (when not a landmark)
(Bh)	256	Peak, accentuated by contours
(Br)	256	Peak, accentuated by hachures
(Ba)	256	Peak, elevation not determined
(Br)	256	Peak, when a landmark
4	Obs Spot	Observation spot
×5	BM	Bench mark
6	View X	View point
7		Datum point for grid of a plan
8		Graphical triangulation point
9	Astro	Astronomical
10	Tri	Triangulation
(En)	Corps E	Corps of Engineers
12		Great trigonometrical survey station
13		Traverse station
14	Bdy Mon	Boundary monument
(Ba)	◇	International boundary monument

E. Units

1	hr.	Hour	14a		Greenwich
2	m. min	Minute (of time)	15	pub.	Publication
3	sec.	Second (of time)	16	Ed.	Edition
4	m.	Meter	17	corr.	Correction
4a	dm.	Decimeter	18	alt.	Altitude
4b	cm.	Centimeter	19	ht. elev.	Height, Elevation
4c	mm.	Millimeter	20	°	Degree
4d	m^2	Square meter	21	′	Minute (of arc)
4e	m^3	Cubic meter	22	″	Second (of arc)
5	km.	Kilometer	23	No.	Number
6	in.	Inch	(Ea)	St M	Statute mile
7	ft.	Foot	(Eb)	msec.	Microsecond
8	yd.	Yard	(Ec)	Hz	Hertz (cps)
9	fm.	Fathom	(Ed)	kHz.	Kilohertz (kc)
10	cbl.	Cable length	(Ee)	MHz.	Megahertz (Mc)
11	M.	Nautical mile	(Ef)	cps.	Cycles/second(Hz)
12	kn.	Knot	(Eg)	kc.	Kilocycle (kHz)
12a	t.	Ton	(Eh)	Mc.	Megacycle (MHz)
12b	cd.	Candela (new candle)			
13	lat.	Latitude			
14	long.	Longitude			

F. Adjectives, Adverbs and other abbreviations

1	gt		
2	lg		
3	sq		
4	med		
5			
6			
7	mod		
8			
9	ant		
10	bur		
11	Sil		
12			
13			
14	D. Dock		
15			
16	dist		
17	alt		
18			
19			
19a			
20	sub		
21			
22	Admty		
23			
23a			
24	expos		
25	dism		
26	prot		
27	explo		
28	estab		
29	elec		
30	priv		Privately
31	prom		
32	visib		
33	subm		
34	approx		
35			
36	manne		
37	aband		
38	temp		
39	recon		
40	exist		
41			
42	N M	Notice to Mariners	
(Ea)	L N M	Local Notice to Mariners	
43		Sailing Directions	
44		List of Lights	
(Ha)	universl	Universe	
(Ea)	auth	Authority	
(Ea)	co	Cinematic	
(Ea)	cor	Corner	
(Ea)	conc	Concrete	
(Ea)	fl	Flood	
(Ea)	mod	Moderate	
(Ea)	bet	Between	
(Eb)	1st	Fix	
(Eb)	2nd	Second	
(Eb)	3rd	Third	
(Eb)	4th	Fourth	
†(Eb)	DD	Deep Draft	
†(Ea)	min	Minimum	
†(Eb)	max	Maximum	

G. Ports and Harbors

1. Anchorage (large vessels)
2. Anchorage (small vessels)
3. Harbor
4. Haven
5. Port
6. Breakwater
6a. Dike
7. Mole
8. Jetty (partly below MHW)
8a. Submerged jetty
(Ga) Jetty (small scale)
9. Pier
10. Spit
11. Groin (partly below MHW)
12. Anchorage prohibited (See P-27) (Screen Opn)
12a. Anchorage reserved
12b. Quarantine anchorage
13. Spoil ground
(Gb) Dumping ground
(Gc) Disposal area
(Gd) Pumpout facilities
14. Fisheries, Fishing stakes
14a. Fish trap, Fish weir, (actual shape (to-scale))
14b. Duck blind
15. Tunny net, (See G-14a)
15a. Oys Oyster bed
16. Ldg. Landing place
17. Watering place
18. Wharf
19. Quay
20. Berm
20a. Anchoring berth
20b. 14
21. 3 Dol Dolphin
22. Bollard
23. Mooring ring
24. Crane
25. Landing stage
25a. Landing stairs
26. Quar. Quarantine
27. Lazaret
28. Harbor Master, Cust. Hs. Harbor master's office, Customhouse
29. Fishing harbor
30. Winter harbor
32. Refuge harbor
33. B Hb Boat harbor
34. Sheltering harbor, (uncovers at LW)
35. Dock
36. Dry dock (actual shape on large-scale charts)
37. Floating dock (actual shape on large-scale charts)
38. Gridiron, Careening grid
39. Patent slip, Slipway, Marine railway
39a. Ramp. Ramp
40. Lock (point upstream) (See H-13)
41. Wet dock
42. Shipyard
43. Lumber yard
44. Health Office, Health officer's office
45. Hs Hulk (actual shape on lg scale charts) (See O-11)
46. PROHIBITED AREA Prohibited area (Screen Opnova)
46a. 10 Calling-in point for vessel traffic control
47. Anchorage for seaplanes
48. Seaplane landing area
49. Under construction Work in progress, Under construction
50. Work projected
51. Sube ruins Submerged ruins

H. Topography (Artificial Features)

1. Road (Rt) or Highway (Hy)
(Ha) Highway markers
2. Track, Footpath, or Trail
3. Railway(Rr), Bridge or Bridge Tracks, Rail (RR)
3a. Tramway
3b. Railway station
3c. Tunnel (Railroad or road)
3d. Embankment, Levee
3e. Cutting
3f. Causeway
4. Overhead power cable
5. Power transmission line
5a. Power transmission mast
6. Prominent telegraph or telephone line
7. Aqueduct, Water pipe
8. Viaduct
9a. Pipeline
9. Pipe, Piping, Post (above MHW)
9a. Mast
10. Highway (See H-1)
11. Sewer
12. Culvert
13. Canal, Ditch, Lock, Sluice (point of charts)
14. Bridge (in general)
14a. Stone, concrete bridge
14b. Wooden bridge
14c. Iron bridge
14d. Suspension bridge
15. Drawbridge (in general)
16. Swing bridge
16a. Lift bridge
16b. Bridge-span or Bascule bridge
17. Pontoon bridge
17a. Transporter bridge
18. Bridge (clearance, vertical)
18a. Bridge (clearance, horizontal)
19. Ferry (Fy)
19a. Cable ferry
20. Ford
21. Dam
22. Fence
23. Training wall
24. Log boom

I. Buildings and Structures (see General Remarks)

1. City or Town (large scale)
1a. City or Town (sm. scale)
2. Suburb
3. Village
3a. Cem. Cemetery
4. House
5. Hotel
6. Inn
7. Farm
8. Ch. Church
8a. Cath. Cathedral
8b. Chapel Mosque Temple Synagogue
9. Abbey (ancient) Church
10. Temple
11. Chapel
12. Minaret
12a. Monastery
13. Minaret
13a. Mosque Shrine
14. Pagoda
15. Buddhist Temple, Lamasery House
15a. Shinto Shrine
16. Monastery, Convent
17. Calvary, Cross
17a. Cemetery, Non-Christian
18. Cemetery, Christian
18a. Tomb
19. Fort (actual shape, to-scale)
20. Battery
21. Barracks
22. Powder magazine
23. Airplane landing field
24. Airport, large scale (See R-13)
(Ib) Airport, medium (small scale)
(Id) Airport, civil (small scale)
25. Mooring mast
26. Street
26a. Ave. Avenue
26b. Blvd. Boulevard
27. Tel. Telegraph
28. Tel Off. Telegraph office
29. P O Post office
30. Govt Hs Government House
31. Town hall
32. Hosp. Hospital
33. Slaughterhouse
34. Mag. Magazine
34a. Warehouse, Storehouse
35. MON Monument
36. Cupola
37. ELEV Elevator, Lift
(Ia) Elev. Elevation, Elevated
38. Shed
40. Ruins
41. Tower
(Ia) ABAND LT HO Abandoned lighthouse
42. WINDMILL Windmill
43. Watermill
43a. WINDMOTOR Windmotor
44. Chimney, Stack
45. PIPE Water tower, Standpipe
46. Oil tank
47. Factory
48. Brick kiln
49. Saw mill
50. Mine, Quarry
51. Well
52. Cistern
53. Tank
54. Nipa
55. Fountain

I. Buildings and Structures (continued)

61. Inst. Institute
62. Establishment
63. Bathing establishment
64. Ct Ho Courthouse
65. Sch. School
66. H S High school
(Ib) Univ. University
66. Bldg. Building
67. Pav. Pavilion
68. Hut
69. Stadium
70. T Telephone
(Ia) Cal. tate, Customhouse
72. GAS Gas
Gable
73. Wall
74. Pyramid
75. Pillar
76. Oil derrick
(Ib) Ltd Limited
(Ib) Apt. Apartment
(Ib) Cap. Capitol
(Ib) Co. Company
(Ib) Corp. Corporation
(Ia) Ctr. Landmark (position accurate)
(Ia) Landmark (position approximate)
(Ia) RA DOME Radar dome

J. Miscellaneous Stations

1. Sta. Any kind of station
2. Sta. Station
3. C G Coast Guard station (Similar to Lifesaving Sta.)
(Ia) C G WALLIS SANDS Coast Guard station (when landmark)
4. LOOK TR Lookout station, watch tower
5. Lifeboat station
6. L S Lifesaving station (See J-3)
7. Rkt. Sta. Rocket station
8. PIL STA Pilot station
9. Sig. Sta. Signal station
10. Sem. Semaphore
11. S. Sig. Sta. Storm signal station
Weather signal station
Nat Weather Service signal sta.
Tide signal station
Stream signal station
Ice signal station
Time signal station
Manned oceanographic station
Unmanned oceanographic station
Time ball
Signal mast
Flagstaff, Flagpole
Flag tower
Signal
Observatory
Office
Bell (or gong)
Harbor entrance channel post

K. Lights (†) new optional symbol

†1. Position of light
2. Light
(Ha) Rotating light
3. Lighthouse
†4. AERO Aeronautical light (See P-20)
4a. Marine aid to navigation light
†5. Bn Light beacon
†6. Lighthouse, Lighthouse
7. Beacon
8. Fixed and Flashing light
†8a. Fixed and group flashing light
8b. Mo Morse code light
9. Revolving or Rotating light
10. Period
11. Flash
12. Alternating
13. Group Flashing (2)
14. Group Flashing (3)
15. Group Flashing (4)
16. Group Flashing (5)
17. Quick (Continuous)
18. Interrupted Quick (Continuous)
19. Very Quick (Continuous)
20. Interrupted Very Quick (Continuous)
21. Morse (Code)
22. Fixed (Steady)
23. Flashing
24. Occulting
25. Isophase
26. Equal Interval
27. Long Flash
28. Short Flash
29. Alternating
30. Directional light
31. Leading lights
32. Sector light
33. Air Force Code
34. Vertical light
35. Horizontal light
36. Aero Code
37. Fixed (Steady)
38. Flashing
39. Occulting
40. Isophase
41. Equal Interval
42. Long Flash
43. Short Flash
44. Alternating
45. Directional light
46. Leading lights
47. Sector light
48. Air Force Code
49. Vertical light
50. Horizontal light
51. Aero Code
52. Fixed (Steady)
53. Flashing
54. Occulting
55. Isophase
56. Equal Interval
57. Long Flash
58. Short Flash
59. Alternating
60. Directional light
61. Leading lights
62. Sector light
63. Air Force Code
64. Vertical light
65. Horizontal light
66. Aero Code
67. Fixed (Steady)
68. Flashing
69. Occulting
70. Isophase
71. Equal Interval
72. Long Flash
73. Short Flash
74. Alternating
75. Directional light
76. Leading lights
77. Sector light
78. Air Force Code
79. Vertical light
80. Horizontal light
81. Aero Code
(Ka) Fixed light
(Kb) Flashing light
(Kc) Occulting light
(Kd) Isophase light
(Ke) Equal interval light
(Kf) Long flash light
(Kg) Short flash light
(Kh) Alternating light
(Ki) Directional light
(Kj) Leading lights
(Kk) Sector light
(Kl) Air Force Code light
(Km) Vertical light
(Kn) Horizontal light
(Ko) Aero Code light
Temporary—replaced by lighted buoy, showing the same characteristic
Temporary—replaced by unlighted buoy
Temporary lighted buoy

L. Buoys and Beacons (continued)

†79. Starboard hand buoy (entering from seaward)
Port hand buoy
Temporary buoy (See L-81)
Water buoy
Mid-channel stream or bank buoy
Mid-channel stream or bank buoy
Junction or obstruction buoy
Telegraph cable (landing) buoy
Fish net buoy
Diagonal beam
Diagonal beam
Diagonal beam

K. Lights (new optional symbol)

1		Fixed light	
2		Flashing light	
3		Occulting light	
4		Isophase light (equal interval)	
5		Quick flashing light	
6		Interrupted quick flashing light	
7		Long flashing light	
8		Group flashing light	
9		Group occulting light	
10		Group long flashing light	
11		Fixed and flashing light	
12		Fixed and group flashing light	
13		Flashing light	
14		Occulting light	
15		Alternating light	
16		Directional light	
17		Aeronautical light (See P-27)	
18		Air/surface navigation light	
19		Light beacon	
20		Lighthouse	
21		Leading lights	
22		Sector lights	
23		Directional light	
24		Harbor light	
25		Floating light (maintained by private interests, to be used with caution)	
26		Fixed light	
27		Occulting light	
28		Isophase light (equal interval)	
29		Quick flashing light	
30		Interrupted quick flashing light	
31		Short flashing light	
32		Alternating light	
33		Group occulting light	
34		Group flashing light	
35		Short-long flashing light	
36		Group short flashing light	

K. Lights (continued)

37		Fixed light	
38	Vert	Vertical lights	
39	Hor	Horizontal lights	
(K1)	VB	Vertical beam	
(K2)	RGE	Range	
(K3)	Exper	Experimental light	
(K4)	TRLB	Temporarily replaced by lighted buoy showing the same characteristics	
(K5)	TRUB	Temporarily replaced by unlighted buoy	
(K6)	TLB	Temporarily lighted buoy	
(K7)	TUB	Temporarily unlighted buoy	

L. Buoys and Beacons (see General Remarks)

1		Light buoy	
2	BELL	Bell buoy	
3	GONG	Gong buoy	
3a		Whistle buoy	
4		Can or Cylindrical buoy	
5		Nun or Conical buoy	
6		Spherical buoy	
7		Spar buoy	
8		Pillar or Spindle buoy	
9		Buoy with topmark (ball) (See L-7G)	
10		Barrel or Tun buoy	
(L1)		Color unknown	
11	FLOAT	Floats	
12	FLOAT	Lightfloat	
13		Color or Lateral buoy	
14		Fairway buoy (BWVS)	
14a		Mid-channel buoy (BWVS)	
15		Star-board-hand buoy (entering from seaward)	
16		Port-hand buoy (entering from seaward)	
17		Bifurcation buoy (IALA-A)	
18		Junction buoy (IALA-A)	
19		Isolated danger buoy (IALA-A)	
20		Wreck buoy (RBWB or G)	
20a		Obstruction buoy (IALA-A)	
21		Telegraph cable buoy	
22		Mooring buoy (for vessel not over 65 feet)	
22a		Mooring buoy with telephone connection	
22b		Mooring buoy with telephone and electric connection	
23		Warning buoy	
24		Quarantine buoy	
24a		Practice area buoy	
25	Explos anch	Explosive anchorage buoy	
25a	AERO	Aeronautical anchorage buoy	
26	Compass	Compass adjustment buoy	
27	Fish	Fish trap (area) buoy (BWVIB)	
27a		Spoil ground buoy	
28	Anch	Anchorage buoy (marks limits)	
29	Pvt. marks	Private aid to navigation (buoy) (maintained by private interests, use with caution)	

L. Buoys and Beacons (continued)

55		Cardinal marking system	
56	Compass Bn	Compass adjustment beacon	
57		Topmarks (See L-9, 70)	
58		Telegraph-cable (landing) beacon	
59	Piles Piles	Piles (See O-30, H-9)	
	Stakes	Stakes	
	Stumps	Stumps (See O-30)	
		Perches	
61	CAIRN Cairn	Cairn	
62		Painted patches	
63	TR	Landmark (position accurate) (See D-2)	
(L4)	obstr	Landmark (position approximate)	
64	REF	Reflector	
65	MARKER	Range targets, markers	
(La)		Special-purpose buoys	
66		Oil installation buoy	
67		Drilling platform (See D-0a, D-0c)	
70	Note:	TOPMARKS on buoys and beacons may be shown on charts of foreign waters. The abbreviation for black is not shown adjacent to buoys or beacons.	
(L1)	Ra Refl	Radar reflector (See M-13)	

M. Radio and Radar Stations

1	R Sta	Radio telegraph station	
2	R T	Radio telephone station	
3	R Bn	Radiobeacon	
4	R Bn	Circular radiobeacon	
5	R D	Directional radiobeacon: Radio range	
6		Rotating loop radiobeacon	
7	R D F	Radio direction finding station	
(Ma)	TELEM ANT	Telemetry antenna	
(Mb)	R RELAY MAST	Radio relay mast	
(Mc)	MICRO TR	Microwave tower	
8	R MAST / R TR	Radio mast / Radio tower	
9a	TV TR	Television mast/Television tower	
9.10	VOR TACAN (200) MHz	Radio broadcasting station (commercial)	
10a	R Sta	Q.T.G. Radio station	
11	Ra	Radar station	
12	Racon	Radar transponder beacon	
13	Ra Ref	Radar reflector (See L-47)	
14	Ra (conspic)	Radar conspicuous object	
14a		Remark	
15	D F S	Distance finding station (synchronized signals)	
16	AERO R Bn 302	Aeronautical radiobeacon	
17	Decca Sta	Decca station	
18	Loran Sta Variable	Loran station (name)	
19	CONSOL Bn 190 AMp MNM	Consol (Consolan) station	
(Md)	AERO R Rge 342	Aeronautical radio range	
(Me)	Ra Ref Calibration Bn	Radar calibration beacon	
(Mf)	LORAN TR SPRING ISLAND	Loran tower (name)	
(Mg)	R TR F & L L	Obstruction light	

N. Fog Signals

1	Fog Sig	Fog signal station	
2		Radio fog-signal station	
3	Explos	Explosive fog signal	
4		Submarine fog signal	
5	SUB BELL	Submarine fog bell (section of waves)	
6	SUB BELL	Submarine fog bell (mechanical)	
7	SUB OSC	Submarine oscillator	
8	NAUTO	Nautophone	
9	DIA	Diaphone	
10	GUN	Fog gun	
11	SIREN	Fog siren	
12	HORN	Fog trumpet	
13	HORN	Fog horn	
13a	HORN	Electric fog horn	
14	BELL	Fog bell	
15	WHIS	Fog whistle	
16	HORN	Reed horn	
17	GONG	Fog gong	
18		Submarine fog signal not connected to the shore (See N-1, N-2)	
18a	Explos	Submarine fog signal connected to the shore (See N-1, N-2)	
(Na)	HORN	Typhon	
(Nb)	Fog Det Lt	Fog detector light (See K-68a)	

O. Dangers

1	Rock which does not cover, height above Sfc(H) (See General Remarks)	11	Wreck showing any portion of hull or superstructure (above sounding datum)
	Uncov 2 ft		Masts
2	Rock which covers and uncovers, with height in feet above chart sounding datum	12	Wreck with only masts visible (above sounding datum)
3	Rock awash at (mean) level of chart sounding datum	13	Old symbols for wrecks
	Dotted line emphasizes danger to navigation	13a	Wreck always partially submerged
(13a)	Rock awash (height unknown)	14	Sunken wreck dangerous to surface navigation (less than 11 fathoms over wreck) (See O-6a)
	Dotted line emphasizes danger to navigation		Wk
4	Sunken rock (height unknown)	15	Wreck over which depth is known
	Dotted line emphasizes danger to navigation		Wk
5	Sfsal sounding on isolated rock	15a	Wreck with depth cleared by wire drag
5a	Sunken rock not dangerous to surface navigation (See O-4)		Wk
	Rk Wk Obstr	16	Sunken wreck, not dangerous to surface navigation
6a	Sunken danger with depth cleared by wire drag (in feet or fathoms)		Foul
	Reef	17	Foul ground
7	Reef of unknown extent		Tide Rips
	Sub Vol	18	Overfalls or Tide rips
8	Submarine volcano		Eddies
	Discol Water	19	Eddies
9	Discolored water		Kelp
	Coral Rk Wk	20	Kelp, Seaweed
10	Coral reef, detached (uncovers at sounding datum)	21	Rk Blank
	Coral or Rocky reef, covered at sounding datum (See A-16, 17)	22	Sht Shoal
		23	Rf Reef (See A-11d,g,O-10)
		23a	Ridge
		24	Le Ledge
		25	Breakers (See A-12)
		26	Sunken rock (See O-4a)
			Obstn
		27	Obstruction
			Submerged Well
			Submerged Wall (buoyed)

	Obstruction (Fish haven)
	Fish haven (fishing reef)
28	Wreck (See O-11 to 15)
	Wreckage Wks
29	Wreckage
29a	Wreck remains (dangerous only for anchoring)
	Submpiles
30	Submerged piling (See H-9, L-59)
	Snags Stumps
30a	Snags, Submerged stumps (See L-59)
31	Lesser depth possible
32	Uncov Drifts (See A-10, O-2, 10)
33	Cov Covers (See O-2, 10)
34	Uncov Uncovers (See A-10, O-2, 10)
	Rep (1958)
	Reported (with date)
	Eagle Rk (rep 1958)
35	Reported (with name and date)
36	Discol Discolored (See O-9)
37	Isolated danger
38	Limiting danger line
39	Limit of rocky area
41	P.A Position approximate
42	P.D Position doubtful
43	E.D Existence doubtful
44	P.Pos Position doubtful
45	D Unsurveyed
46	Le Ledge
(Oa)	Subm Cbl Crib (above water)
(Ob)	Crib
	Platform (lighted) HORN
(Oc)	Offshore platform (unnamed)
	Platform (lighted) HORN
(Od)	Offshore platform (named)

P. Various Limits, etc.

1		Leading line, Range line	
2		Transit	
3		In line with	
4		Limit of sector	
5		Channel, Course, Track (recommended (marked by Buoys or Beacons)) (See P-7a)	
(P5a)		Alternate course	
6		Radar guided track	
7		Submarine cable (power, telegraph, telephone, etc.)	
7a		Submarine cable area	
7b		Abandoned submarine cable (includes disused cable)	
(P8)		Submarine pipeline	
8a	Pipeline Area	Submarine pipeline area	
9		Maritime limit or general	
(P9)		Limit of restricted area	
10		Limit of fishing zone (fish trap areas)	
(P)		U.S. Harbor Line	
11		Limit of dumping ground, spoil ground (See P-9, L-21)	
12		Anchorage limit	
13		Limit of airport (See I-21, 24)	
13a		Limit of military practice areas	
14		Limit of sovereignty (Territorial waters)	
15		Customs boundary, international boundary (also State boundary)	
16		Stream limit	
17		Ice limit	
18		Limit of tide	
19		Limit of navigation	
20		Course recommended (not marked by buoys or beacons)	
21		Distinct or prominent line	
22		Reservation line	
23		(Options)	
24	COURSE DISTANCE TABLE MARKERS MARKERS	Measured distance	
25		Projected area (See O-2, 4b) (Screen Optional)	
(P25)	SAFETY FAIRWAY	Shipping safety fairway	
(P26)		Directed traffic lanes	

Q. Soundings

1	30	Doubtful sounding	
2	40	No bottom found	
3		Out of position	
4		Least depth in narrow channels	
5	30 ft 12 ft MHW MLW	Dredged channel (with controlling depth indicated)	
6	24 ft MLW	Dredged area	
7		Swept channel (See Q-9)	
8	6	Drying (or uncovering) heights, or feet above chart (sounding) datum	
9	29 23	Swept area, not adequately sounded (shown by green tint)	
9a	29 23	Swept area adequately sounded (swept by wire drag to depth indicated)	
10		Hair-line depth figures	
11a	h_1 r_9	Figures for ordinary soundings	
11	h_1 r_9	Soundings taken from older surveys (or shading scale shoal)	
12	h_1 r_9	Echo soundings	
13	h_1 r_9	Sloping figures (See Q-12)	
14	h_1 r_9	Up-right figures (See Q-13a)	
15	h_1 r_9	Bracketed figures (See Q-1, 2)	
16	6	Underlined sounding figures (See Q-8)	
17	h_1 r_9	Soundings expressed in fathoms and feet	
18		Unsounded area	
19		Stream	

R. †Depth Contours and Tints (see General Remarks)

Feet	Fms. Meters
0	0
6	1
12	2
18	3
24	4
30	5
36	6
60	10
120	20
180	30
240	40

Feet	Fms. Meters
300	50
600	100
1,200	200
1,800	300
2,400	400
3,000	500
6,000	1,000
12,000	2,000
18,000	3,000

(Blue or black) (Blue)

(Contours may be shown with values)

S. Quality of the Bottom

1	Grd	Ground	24	Cl.	Oysters
2	S	Sand	25	M	Mussels
3	M	Mud, Muddy	26	Spic	Spicul
4	Oz	Ooze	27	A	Algae
5	Mc	Marl	28	Wd Seaw	Seawee
6	Cl	Clay		Grs	Grass
7	G	Gravel	29	Stg	Seagrass
8	Sn	Shingle	31	Spc	Specimens
9	P	Pebbles	32	Fr	Foraminifera
10	Sr	Stones	33	Gl	Globigerina
11	Rk Rky	Rock, Rocky	34	Dt	Diatoms
11a	Bldr	Boulders	35	Rd	Radiolaria
12	Ch	Chalk	36	Pt	Pteropods
12a	Ca	Calcareous	37	Py	Polyzoa
13	Qz	Quartz	38	C	Corncrete
13a	Sch	Schist	38a	Fc	Fucus
14	Co	Coral	38b	Mr	Marine
14a	Co Hd	Coral head	39	fne	Fine
15	Mds	Madreporites	40	crs	Coarse
16	Vol	Volcanic	41	stf	Stiff
16a	Vol Ash	Volcanic ash	42	hrd	Hard
17	La	Lava	43	stf	Stiff
18	Pm	Pumice	44	smt	Smooth
19	T	Tufa	45	lrg	Large
20	Sc	Scoriae	46	stk	Sticky
21	Cn	Cinders	47	brk	Broken
21a		Ash	47a	rck	Rocky
22	Mn	Manganese	48	f	Rotten
23	Sh	Shells	49	r	Streaky
50	sft	Soft			
51	gty	Gritty			
52	dec	Decayed			
53	fly	Flinty			
54	glac	Glacial			
55	ten	Tenacious			
56	wh	White			
57	bk	Black			
58	vi	Violet			
59	bu	Blue			
60	gn	Green			
61	yl	Yellow			
62	or	Orange			
63	rd	Red			
64	br	Brown			
65	ch	Chocolate			
66	gy	Gray			
67	lt	Light			
68	dk	Dark			
70	vard	Varied			
71	unev	Uneven			
(Sc)	S/M	Surface layer and Under layer			
76		Fresh water springs in sea bed			

T. Tides and Currents

1	HW	High water
1a	HHW	Higher high water
2	LW	Low water
(Ta)	LWD	Low water datum
2a	LLW	Lower low water
3	MTL	Mean tide level
4	MSL	Mean sea level
4a		Elevation of mean sea level above chart (sounding) datum
5		Mean tide level (chart datum for sounding reductions)
6	Sig	Sailing rate
7	No	Neap rate
7a	MHW	Mean high water
8	MHWS	Mean high water springs
8a	MHWN	Mean high water neaps
9	MHHW	Mean higher high water
9a	MLW	Mean low water
9b	MLWS	Mean low water springs
9c	MLWN	Mean low water neaps
10	LLW	Mean lower low water
11		Highest spring low water
		High water full and change (establishment of the port)
12		Low water full and change
13		Mean establishment of the port
13a		Establishment of the port
14		Unit of height
15		Equinoctial
16		Quarter, Quadrature
17	Str	Stream
18	3kn	Current general, with rate
19	2kn	Flood stream (current) with rate
20	1kn	Ebb stream (current) with rate
21	tide gauge	Tide gauge, Tidepole, Automatic tide gauge
23	vel	Velocity, Rate
24	kn	Knots
25	ht	Height
26		Tide
27		New moon
28		Full moon
29		Diurnal
30		Synodic
31	Fl	Flood
32		Ebb
33		Tide stream diagram
34		Place for which tabulated tide-stream data are given
35		Range (of tide)
36		Phase lag
(T3a)		Current diagram, with explanatory note

U. Compass

Compass Rose

The outer circle is in degrees with zero at true north. The inner circles are in points and are used with the arrow indicating magnetic north.

1	N	North
2	E	East
3	S	South
4	W	West
5	NE	Northeast
6	SE	Southeast
7	SW	Southeast
8	NW	Northwest
9	N	Northern
10	E	Eastern
11	S	Southern
12	W	Western
21	brg	Bearing
22	T	True
23	mag	Magnetic
24	var	Variation
25		Annual change
25a		Annual change not
26		Abnormal variation, Magnetic anomaly
27	deg	Degrees (See E-20)
28	dev	Deviation